

Appl. No. 09/744,874
Amdt. dated October 3, 2006
Reply to Office Action of May 3, 2006

REMARKS

The Examiner and her supervisor, Louis Huynh are thanked for the courtesies granted Applicants' undersigned attorney and New Zealand Associate Jason Rogers during the September 5, 2006 telephone interview during which proposed Amendments to the present application were discussed. Applicants have attempted to incorporate the discussed subject matter in the amended claims. Reconsideration of this application, and the rejection of claims 1-5, 14 and 15, are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated May 3, 2006 (Paper No. 04272006) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1-5 and 14-15 stand rejected under 35 U.S.C. § 112 as being indefinite, regarding lack of antecedent basis. Claims 5 and 15 have been canceled, rendering those rejections moot. Specifically, "the trigger lever", "the longitudinal axis of the shaft", "the two ends", and "the sole user management points" of claim 1 have been rejected. With the exception of "the two ends" in claim 1 for which there is antecedent basis, Applicants have corrected these issues and respectfully submit that the rejection based on Section 112 is respectfully traversed.

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Claims 1-5 and 14-15 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Kolodziejczyk (US 4,359,822) and Haytayan (US 4,339,065). Kolodziejczyk discloses an extension handle for a power chain saw which is secured to the tool handle 13 by a set of circular clamps 27, 37, and also by fastening to an ear 39. Among other things, Kolodziejczyk fails to disclose or suggest use with a fastener driving tool, and further fails to disclose or suggest at least one clamping arrangement having at least two sides which are spaced apart at one end for receiving at least a portion of the hand tool, and connected to each other at an opposite end, configured such that, in use, a longitudinal axis of said shaft extends in substantially the same direction as that in which the hand tool delivers fasteners. Since Kolodziejczyk relates to a saw, there is no direction of driving fasteners. Also, as recognized by the Examiner, Kolodziejczyk fails to disclose angling of the hand grip relative to the longitudinal axis of the shaft for easy gripping by a user.

Haytayan discloses a pneumatic fastener driver in which the shaft 302 is disposed at an inclined angle to the direction in which the fasteners are driven. Further, there are no clamps disclosed in Haytayan for securing the attachment. Instead, the attachment is secured to ears 308, 312. In addition, it also does not have a hand grip which has substantially the same position relative to the user as a hand grip on the tool. In fact this tool has no hand grip and thus does not disclose a handle extension for retrofitting.

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Furthermore, Applicants respectfully submit that there is no incentive to combine Kolodziejczyk with Hayatan due to their significantly distinct construction. Substantial modification would be necessary to convert Kolokziejczyk to Haytayan as suggested by the Examiner. Accordingly the rejection based on a combination of these references is respectfully traversed.

Applicants also submit that, in addition to the arguments above, new claims 16-19 include subject matter which is patentably distinct from the cited references, whether or not used in this rejection and including Dewey and Rice. Dewey fails to disclose or suggest any retrofittable handle at all, and merely discloses an original equipment tool with two handles. Rice fails to disclose or suggest clamps, a fastener driving tool, or handle positioning as now recited in the amended claims.

Applicants submit that, in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover

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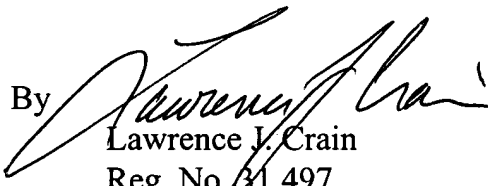
there are remaining issues which may be resolved by a telephone interview, she is invited to
contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

October 3, 2006

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